

## REMARKS

Reconsideration and allowance of this application are requested in view of the above amendment and the discussion below.

Claims 8, 24, 25, 26 and 35 have been rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claim 7 of US Patent No. 6,631,706. Claims 11-14, 26 and 28-30 have been rejected over claim 7 of US Patent 6,631,706 in view of Kraemer.

In response to these rejections, applicants are submitting herewith a terminal disclaimer with respect to US Patent No. 6,631,706 in order to obviate this rejection.

Claims 8, 24, 25, 27 and 35 (as understood) have also been rejected under 35 USC 102 as anticipated by Kraemer. Additionally, claim 35 is rejected under 35 USC 112, second paragraph, as being indefinite with respect to redundant language which makes it unclear exactly what applicant intends to claim.

In response to these rejections, applicants have cancelled claims 8, 24, 25 and 27 as well as amended independent claim 35 to overcome the rejection under 35 USC 112 in a manner indicated by the Examiner by eliminating redundant language and to further specify features which make it clear that claim 35 defines over subject matter disclosed in the reference to Kraemer US Patent No. 6,116,870.

Kraemer '870 is a high pressure pump with a solenoid operated valve which connects the pump to a low pressure circuit with the pump also being

connected to a high pressure reserve through a check valve. The solenoid valve has a spring loaded closing body which functions with a valve seat to constitute a check valve. When there is an absence of current, the check portion of the closing body is switched off by a valve tappet in order to maintain low pressure circuit connection during the first stroke of the high pressure pump. It is only after the current supplied to the solenoid valve, resulting from the working stroke, that the valve tappet allows the closing body to contact the seat.

The present invention, as defined by amended independent claim 35, recites that the holder 5C of the electromagnetic driving mechanism 200 is fixed between the electromagnetic mechanism and the pump body 100. Kraemer has solenoid valve 9, 30 for the high pressure pump 1, 28. The pressure chamber 5, and 35 is also described independently but there is no disclosed interaction as defined by amended claim 35 concerning a holder 5C within an intake valve mechanism positioned and fixed between the electromagnetic driving mechanism 200 and the pump body 100 obtained by fixing the driving mechanism to the pump body.

With this structure, high pressure fuel supply is able to be pumped in such a manner that it enhances the fuel supply to a common rail immediately after the start of an engine and is able to suppress external leakage of fuel even when a seal material of a sliding portion is broken. The claimed device of independent claim 35 provides a high pressure pump having a variable capacity mechanism with excellent opening and closing response.

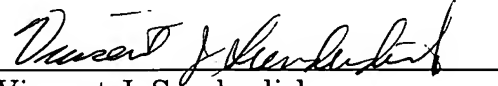
Therefore, in view of the distinguishing features between the claimed invention, as defined by amended independent claim 35, and the art of record and particularly the reference to Kraemer and in view of the submission of the terminal disclaimer to overcome the double patenting rejection, applicants respectfully request that this application be allowed and be passed to issue.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #056205.48558C1).

Respectfully submitted,

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